



JPW 1615

PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0932

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re National Stage of International	)	
Application No. PCT/FR01/00229 of:	)	
Véronique FERRARI	)	
Application No.: 09/937,314	)	Group Art Unit: 1615
Filed: September 24, 2001	)	Examiner: J. VENKAT
371(c) date: December 6, 2001	)	
For: A TRANSFER-FREE MASCARA	)	
COMPOSITION COMPRISING AT	)	
LEAST ONE VOLATIVE SOLVENT	)	
AND AT LEAST ONE POLYMER (AS	)	
AMENDED)	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by the appropriate fee.

Copies of the listed documents, including any copending patent applications, are attached. Applicant has not enclosed a copy of one of the co-pending applications

listed on the PTO 1449. This application has not been assigned an application number, but it has the attorney docket number 05725.0808-02000, was filed on August 16, 2004, and is entitled "Compositions Containing Heteropolymers and Oil-soluble Esters and Methods of Using Same." A copy of this application is not enclosed because it is identical to co-pending U.S. Patent Application No. 09/733,898, which is already of record in this case.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003) that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicant should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicant is not representing that the office actions in the co-pending applications are material to the present application and is not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed the substantive office actions filed in co-pending applications on the attached PTO 1449 and has enclosed copies of those documents as well.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

For each of the documents listed below, Applicant has provided an English language abstract:

1. **EP 0 169 997 B1** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

2. **FR 2 796 272** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

3. **FR 2 796 273** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

4. **FR 2 804 017** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

5. **FR 2 804 018** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

6. **FR 2 810 562** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

7. **FR 2 811 225** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

8. **FR 2 817 739** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

9. **FR 2 817 740** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

10. **FR 2 817 743** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

11. **FR 2 819 399** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

12. **FR 2 819 400** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.

13. **WO 01/97773 A1** - An English-language abstract of this document can be found on the front of this document.
14. **WO 02/056847 A1** - An English-language abstract of this document can be found on the front of this document.
15. **WO 02/056848 A1** - An English-language abstract of this document can be found on the front of this document.
16. **WO 02/47622 A2** - An English-language abstract of this document can be found on the front of this document.
17. **WO 02/47629 A1** - An English-language abstract of this document can be found on the front of this document.
18. **WO 02/47630 A1** - An English-language abstract of this document can be found on the front of this document.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

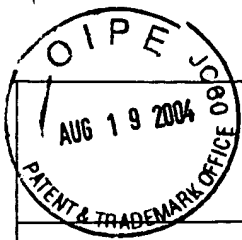
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 19, 2004

By: Michelle Obian, Reg. No. 48,203  
for Erin C. DeCarlo  
Reg. No. 51,688



**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

Atty. Docket No.: 05725.0932-00000

Application No.: 09/937,314

Applicant: Véronique FERRARI

Filing Date: December 6, 2001

Group 1615

**U.S. PATENT DOCUMENTS**

Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate

**FOREIGN PATENT DOCUMENTS**

Examiner Initial*	Document Number	Date	Country	Class	Sub Class	Translation Yes or No
	EP 0 169 997 B1	2/5/1986	Europe			Abstract
	FR 2 796 272	1/19/2001	France			Abstract
	FR 2 796 273	1/19/2001	France			Abstract
	FR 2 804 017	7/27/2001	France			Abstract
	FR 2 804 018	7/27/2001	France			Abstract
	FR 2 810 562	12/28/2001	France			Abstract
	FR 2 811 225	1/11/2002	France			Abstract
	FR 2 817 739	6/14/2002	France			Abstract
	FR 2 817 740	6/14/2002	France			Abstract
	FR 2 817 743	6/14/2002	France			Abstract
	FR 2 819 399	7/19/2002	France			Abstract
	FR 2 819 400	7/19/2002	France			Abstract
	WO 01/97773 A1	12/27/2001	PCT			English Abstract

Examiner

Date Considered:

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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	WO 02/056847 A1	7/25/2002	PCT			English Abstract
	WO 02/056848 A1	7/25/2002	PCT			English Abstract
	WO 02/47619 A2	6/20/2002	PCT			English
	WO 02/47622 A2	6/20/2002	PCT			English Abstract
	WO 02/47629 A1	6/20/2002	PCT			English Abstract
	WO 02/47630 A1	6/20/2002	PCT			English Abstract
	WO 02/49583 A1	6/27/2002	PCT			English

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

	Co-Pending Application No. 10/182,830; Attorney Docket No. 05725.0795-01 Title: COSMETIC COMPOSITION COMPRISING HETERO POLYMERS AND A SOLID SUBSTANCE AND METHOD OF USING SAME U.S. Filing Date: August 2, 2002
	Co-Pending Application No. 10/203,018; Attorney Docket No. 05725.0816-01 Title: COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE INERT FILLER AND METHODS FOR USE U.S. Filing Date: August 5, 2002
	Co-Pending Application No. 10/203,254; Attorney Docket No. 05725.0817-01 Title: COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE SAME U.S. Filing Date: August 7, 2002
	Co-Pending Application No. 10/699,780, Attorney Docket No. 5725.0895-02 Title: METHODS OF DISPERSING AT LEAST ONE COLORING AGENT USING AT LEAST ONE HETEROPOLYMER U.S. Filing Date: November 4, 2003.
	Co-Pending Application No. Not Yet Assigned; Attorney Docket No. 05725.0808-02 Title: COMPOSITIONS CONTAINING HETEROPOLYMERS AND OILSOLUBLE ESTERS AND METHODS OF USING SAME U.S. Filing Date: August 16, 2004.
	English language DERWENT abstract of EP 0 169 997 B
	English language DERWENT abstract of FR 2 796 272
	English language DERWENT abstract of FR 2 796 273

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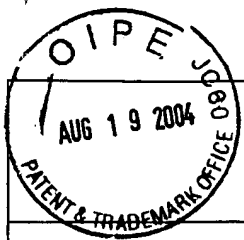
	English language DERWENT abstract of FR 2 804 017
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	English language DERWENT abstract of FR 2 817 743
	English language DERWENT abstract of FR 2 819 399
	English language DERWENT abstract of FR 2 819 400
	Office Action dated April 7, 2004 in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594) (Ex. Lamm)
	Office Action dated April 9, 2003 in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594) (Ex. Lamm)
	Office Action dated April 7, 2004 in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595) (Ex. Lamm)
	Office Action dated July 16, 2003 in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595) (Ex. Lamm)
	Office Action dated November 19, 2003 in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) (Ex. Sheikh)
	Office Action dated July 16, 2003 in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) (Ex. Sheikh)
	Office Action dated July 15, 2002 in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) (Ex. Sheikh)

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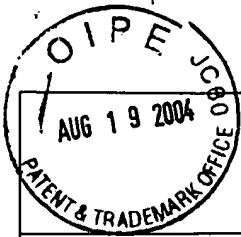
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Applicant: Véronique FERRARI	
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Office Action dated December 21, 2001 in co-pending Application No. 09/618,066 (Attorney Docket No. 05725.0656-00) (Ex. Seidleck)
	Office Action dated November 19, 2003 in co-pending Application No. 09/685,577 (Attorney Docket No. 05725.0656-01) (Ex. Sheikh)
	Office Action dated July 16, 2003 in co-pending Application No. 09/685,577 (Attorney Docket No. 05725.0656-01) (Ex. Sheikh)
	Office Action dated July 15, 2002 in co-pending Application No. 09/685,577 (Attorney Docket No. 05725.0656-01) (Ex. Sheikh)
	Office Action dated November 19, 2003 in co-pending Application No. 09/685,578 (Attorney Docket No. 05725.0659-01) (Ex. Pryor)
	Office Action dated May 7, 2003 in co-pending Application No. 09/685,578 (Attorney Docket No. 05725.0659-01) (Ex. Pryor)
	Office Action dated November 18, 2003 in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806) (Ex. Rajguru)
	Office Action dated January 28, 2003 in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806) (Ex. Rajguru)
	Office Action dated July 19, 2002 in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806) (Ex. Rajguru)
	Office Action dated December 23, 2003 in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808) (Ex. Yoon)
	Office Action dated April 29, 2003 in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808) (Ex. Yoon)
	Office Action dated August 28, 2002 in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808) (Ex. Yoon)
	Office Action dated May 6, 2004 in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809) (Ex. Yu)

Examiner	Date Considered:
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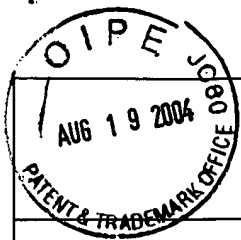
**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

	Office Action dated April 23, 2003 in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809) (Ex. Wells)
	Office Action dated August 29, 2002 in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809) (Ex. Berman)
	Office Action dated April 15, 2002 in co-pending Application No. 09/733,897 (Attorney Docket No. 05725.0809) (Ex. Berman)
	Office Action dated May 19, 2004 in co-pending Application No. 10/203,018 (Attorney Docket No. 05725.0816-01) (Ex. Venkat)
	Office Action dated May 5, 2004 in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832) (Ex. Howard)
	Office Action dated August 13, 2003 in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832) (Ex. Howard)
	Office Action dated July 16, 2002 in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832) (Ex. Howard)
	Office Action dated August 11, 2003 in co-pending Application No. 09/971,028 (Attorney Docket No. 05725.0895-00) (Ex. Wang)
	Office Action dated March 26, 2003 in co-pending Application No. 09/971,028 (Attorney Docket No. 05725.0895-00) (Ex. Wang)
	Office Action dated December 18, 2003 in co-pending Application No. 10/198,931 (Attorney Docket No. 05725.0896) (Ex. Venkat)
	Office Action dated December 18, 2001 in co-pending Application No. 09/899,909 (Attorney Docket No. 05725.0920) (Ex. Dodson)
	Office Action dated May 19, 2004 in co-pending Application No. 09/937,314 (Attorney Docket No. 05725.0932) (Ex. Venkat)
	Office Action dated September 08, 2003 in co-pending Application No. 10/012,029 (Attorney Docket No. 05725.1003) (Ex. Venkat)

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	Office Action dated November 20, 2002 in co-pending Application No. 10/012,029 (Attorney Docket No. 05725.1003) (Ex. Venkat)
	Office Action dated May 14, 2004 in co-pending Application No. 10/012,051 (Attorney Docket No. 05725.1004) (Ex. Venkat)
	Office Action dated October 3, 2003 in co-pending Application No. 10/012,051 (Attorney Docket No. 05725.1004) (Ex. Venkat)
	Office Action dated January 14, 2003 in co-pending Application No. 10/012,051 (Attorney Docket No. 05725.1004) (Ex. Venkat)
	Office Action dated November 6, 2003 in co-pending Application No. 10/012,052 (Attorney Docket No. 05725.1005) (Ex. Wells)
	Office Action dated November 5, 2002 in co-pending Application No. 10/046,568 (Attorney Docket No. 05715.1018) (Ex. Venkat)
	Office Action dated June 12, 2003 in co-pending Application No. 10/046,568 (Attorney Docket No. 05725.1018) ( Ex. Venkat)
	Office Action dated December 30, 2003 in co-pending Application No. 10/046,568 (Attorney Docket No. 05725.1018) (Ex. Venkat)
	Office Action dated December 11, 2003 in co-pending Application No. 10/047,987 (Attorney Docket No. 05725.1020) (Ex. Venkat)

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